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Washington, Friday, May 5, 1939

The President

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7293 OF FEBRUARY 14, 1936, AS AMENDED BY EXECUTIVE ORDER NO. 7831 OF MARCH 7, 1938, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 11 of the Act of June 10, 1922, ch. 212, 42 Stat. 625, 630, Executive Order No. 7293 of February 14, 1936, as amended by Executive Order No. 7831 of March 7, 1938, prescribing regulations governing the granting of allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quarters or rations in kind, is hereby further amended by striking out the words "Naval Missions to Brazil and Peru:", appearing after "Exception No. 1" in subdivision "B.—Special" of Table I, and substituting therefor the following: "Naval Missions to Brazil, Peru, and Colombia:".

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 3, 1939
[No. 8107]

[F. R. Doc. 39-1521; Filed, May 4, 1939; 11:37 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6644 OF MARCH 14, 1934, WITHDRAWING PUBLIC LANDS

COLORADO

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912,

3 F.R. 641 DL

c. 369, 37 Stat. 497, Executive Order No. 6644 of March 14, 1934, withdrawing public lands in Colorado pending a resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands affected thereby.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 3, 1939.

[No. 8108]

[F. R. Doc. 39-1520; Filed, May 4, 1939; 11:37 a. m.]

EXECUTIVE ORDER

CORRECTING THE DESCRIPTION OF THE WAIANA-KAI MILITARY RESERVATION AND RESTORING A PART THEREOF TO THE TERRITORY OF HAWAII

WHEREAS by Executive Order No. 2900 of July 2, 1918, as amended by Executive Order No. 5414 of July 31, 1930, and Executive Order No. 7010 of April 10, 1935, certain lands at Waianae-Kai, District of Waianae, island of Oahu, Territory of Hawaii, were withdrawn and set aside for military purposes, subject to private rights and to all public roads and rights-of-way therein, which lands comprise the Waianae-Kai Military Reservation; and

WHEREAS a new survey of the Waianae-Kai Military Reservation has revealed inaccuracies in the description thereof as contained in the said Executive Order No. 7010 of April 10, 1935; and

WHEREAS the said Executive Order No. 7010 of April 10, 1935, excepted from Tract No. 1 of the Waianae-Kai Military Reservation the Territorial Government 40-foot road right-of-way; and

WHEREAS the Governor of the Territory of Hawaii has requested that the said 40-foot road right-of-way be extended to 60 feet in width through the said Tract No. 1 of the Waianae-Kai Military Reservation:

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NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered as follows:

I. The description of the Waianae-Kai Military Reservation contained in the said Executive Order No. 7010, of April 10, 1935, is hereby corrected to read as follows:

TRACT NO. 1

Parcel No. 1

Beginning at concrete monument No. 16, marking the south corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,326.42 feet north and 6,796.49 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

97°56'00", 84.32 feet, to the boundary of the new Territorial Government road 60-foot right-of-way;

On a curve to the left, along said right-of-way, with a radius of 3,155.30 feet, 340.21 feet, along the curve, the chord of which bears 135°02'26", 340.05 feet;

On a curve to the left, along the same, with a radius of 3,155.30 feet, 192.36 feet, along the curve, the chord of which bears 130°12'18", 192.35 feet; 128°27'30", 1,675.70 feet, along the same;

On a curve to the left, along the same, with a radius of 5,759.58 feet, 111.41 feet, along the curve, the chord of which bears 127°54'15", 111.41 feet;

127°21'00", 1,091.34 feet, along the same, to a point on the boundary of Lot A-14, Land Court Application 1102 (amended);

234°53'00", 28.15 feet, along said Lot A-14, to concrete monument No. 12;

151°53'00", 35.56 feet, along the same, to concrete monument No. 13;

243°15'00", 1,353.80 feet, along the same, to concrete monument No. 14;

309°13'00", 2,930.90 feet, along the same, to concrete monument No. 15;

38°07'00", 1,211.40 feet, along the same, to the point of beginning.

The tract as described contains an area of 91.53 acres.

There is excepted, however, from the above described tract the Land Commission Award No. 8307 described as follows:

Beginning at concrete monument No. 4, marking the south corner of Land Commission Award No. 8307, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,937.37 feet north and 7,375.13 feet west, thence by azimuths (measured clockwise from true south) and distances as follows:

154°53'00", 283.95 feet, to concrete monument No. 1;

254°53'00", 244.90 feet, to concrete monument No. 2;

334°53'00", 279.60 feet, to concrete monument No. 3;

73°53'00", 244.26 feet, to the point of beginning.

The tract as described contains an area of 1.56 acres.

The net area of Parcel No. 1, Tract No. 1, is 89.97 acres.

TRACT NO. 1

Parcel No. 2

Beginning at concrete monument No. 1, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,490.40 feet north and 7,661.14 feet west, thence by azimuths (measured clockwise from true south) and distances as follows:

71°30'00", 346.57 feet, along Land Commission Award No. 6632, to concrete monument No. 2, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

116°26'00", 464.18 feet, along the said right-of-way, to concrete monument No. 3;

115°49'00", 702.44 feet, along the same, to concrete monument No. 4;

On a curve to the right, along the same, with a radius of 2,677.34 feet, 1,369.53 feet, along the curve, the chord of which bears 130°28'15", 1,354.65 feet, to concrete monument No. 7;

145°07'30", 431.49 feet, along the same, to concrete monument No. 8;

243°13'00", 754.90 feet, along Lot A-1, Land Court Application 1102 (amended), to concrete monument No. 9;

243°13'00", 13.43 feet, along the same, to the boundary of the new Territorial Government road 60-foot right-of-way; 307°21'00", 1,164.60 feet, along said right-of-way;

On a curve to the right, along the same, with a radius of 5,699.58 feet, 110.25 feet, along the curve, the chord of which bears 307°54'15", 110.25 feet; 308°27'30", 1,675.70 feet, along the same;

On a curve to the right, along the same, with a radius of 3,095.30 feet, 158.42 feet, along the curve, the chord of which bears 309°55'29", 158.42 feet;

68°41'15", 497.05 feet, along Lot A-4, Land Court Application 1102 (amended), to concrete monument No. 19;

172°38'00", 117.90 feet, along Land Commission Award No. 6632, to the point of beginning.

The tract as described contains an area of 57.34 acres.

The above described Parcel No. 2 is subject to an easement allowed by the Land Court, March 12, 1937, in the matter of Application No. 1143, of Thomas Guard and Ruth Richardson Guard, to register and confirm their title in and to certain land situated at Waianae Beach, Oahu, Territory of Hawaii.

The land subject to said easement is a strip of land 20.00 feet wide, extending 10.00 feet on each side of the center line, described as follows:

Beginning at a point on the southwesterly end of the said center line, from which point the azimuth (measured clockwise from true south) and distance to concrete monument No. 2, Parcel No. 2 is 296°22'14", 14.18 feet, thence by azimuths (measured clockwise from true south) and distances as follows:

251°27'00", 449.74 feet;

219°46'00", 268.35 feet, to the boundary of the New Territorial Government road 60-foot right of way.

The tract as described contains an area of 0.37 acre.

TRACT NO. 2

Beginning at concrete monument No. 1, marking the north corner of this tract, the coordinates of which, referred to United Coast and Geodetic Survey triangulation station "Paheehew New", are 1,617.65 feet south and 7,059.74 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

338°38'40", 154.10 feet, along Lot W, Land Court Application 1102

(amended), to concrete monument No. 2;

338°38'40", 35.00 feet, along said Lot W, and along the 25-foot right-of-way owned by the Territory of Hawaii, to high water line;

Southwesterly and northeasterly, 1,500 feet, more or less, along said high water line around Kanelio Point, to the point of beginning, inshore traverse around said point between said concrete monuments Nos. 2 and 1, is described as follows:

53°43'00", 137.00 feet, to station 3, marked by a small cross on coral;
64°24'40", 228.57 feet, to station 4, marked by a small cross on coral;
94°17'20", 134.00 feet, to station 5, marked by a small cross on coral;
168°37'30", 121.08 feet, to station 6, marked by a small cross on coral;
213°01'50", 179.26 feet, to station 7, marked by a small cross on coral;
254°48'30", 233.46 feet, to station 8, marked by a small cross on coral;
280°06'10", 96.39 feet, to concrete monument No. 1.

The tract as described contains an area of 2.95 acres.

TRACT NO. 3

Beginning at concrete monument No. 1, marking the southwest corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,454.24 feet south and 6,879.59 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

Northerly and westerly, along high water line, to the boundary of Lot G, Land Court Application 1102 (amended), inshore traverse between the point of beginning and concrete monument No. 9 being described as follows:

225°56'40", 105.3 feet, to station No. 14, marked by a small cross on coral;
265°04'20", 112.87 feet, to station No. 13, marked by a small cross on coral;
186°32'40", 141.86 feet, to station No. 12, marked by a small cross on coral;
276°06'00", 117.55 feet, to station No. 11, marked by a small cross on coral;
193°06'20", 62.50 feet, to station No. 10, marked by U. S. Coast and Geodetic Survey plate;

183°33'40", 734.30 feet, to concrete monument No. 9. Thence

From said high water line on the boundary of Lot G:

248°53'40", 82.0 feet, along said Lot G, to said concrete monument No. 9;
248°53'40", 64.97 feet, along the same, to concrete monument No. 8;
338°40'20", 27.40 feet, along the same, to concrete monument No. 7;

On a curve to the right, along the Oahu Railway and Land Company's 40-foot right-of-way, with a radius of 2,733.38 feet, 305.13 feet, along the curve, the chord of which bears 355°

09°15', 304.70 feet, to concrete monument No. 6;

On a curve to the right, along the same, with a radius of 1,272.81 feet, 259.69 feet, along the curve, the chord of which bears 4°11'50", 259.24 feet, to concrete monument No. 5A;

7°43'00", 144.64 feet, along Depot Lot, to concrete monument No. 5;

35°00'20", 360.07 feet, along the same, to concrete monument No. 4;

342°00'20", 218.21 feet, along the same, to concrete monument No. 3;

74°08'40", 129.55 feet, along territorial land to concrete monument No. 2;

143°49'00", 297.56 feet, along Lot W, Land Court Application 1102 (amended), to the point of beginning.

The tract as described contains an area of 4.31 acres.

TRACT NO. 4

Beginning at concrete monument No. 1 in the southern boundary of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 245.15 feet south and 6,578.86 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

66°02'00", 95.00 feet, more or less, to high water line; Northwesterly, along said high water line, to the southern bank of Kaupuni Stream;

242°41'00", 34.00 feet, more or less, along Kaupuni Stream to concrete monument No. 10;

242°41'00", 166.73 feet, along the same, to concrete monument No. 9, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

302°49'30", 46.53 feet, along said right-of-way, to concrete monument No. 8;

On a curve to the right, along the same, with a radius of 9,304.79 feet, 541.12 feet, along the curve, the chord of which bears 306°31'30", 541.07 feet, to concrete monument No. 7;

On a curve to the right, along the same, with a radius of 2,226.41 feet, 401.45 feet, along the curve, the chord of which bears 313°21'25", 400.93 feet, to concrete monument No. 6;

On a curve to the right, along the same, with a radius of 4,160.63 feet, 201.01 feet, along the curve, the chord of which bears 319°54'25", 201.01 feet, to concrete monument No. 6A;

On a curve to the right, along the same, with a radius of 1,153.18 feet, 163.73 feet, along the curve, the chord of which bears 325°28'58", 163.58 feet, to concrete monument No. 5;

On a curve to the right, along the same, with a radius of 4,851.25 feet, 178.00 feet, along the curve, the chord of which bears 330°45'00", 178.00 feet, to concrete monument No. 4;

355°32'00", 105.95 feet, along Lot G, Land Court Application 1102 (amended), to concrete monument No. 3;

338°40'00", 203.47 feet, along the same, to concrete monument No. 2;

66°02'00", 66.70 feet, along the same, to the point of beginning.

The tract as described contains an area of 11.52 acres.

TRACT NO. 5

Beginning at concrete monument No. 1, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,159.77 feet north and 7,617.72 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

123°28'00", 14.28 feet, to concrete monument No. 2;

267°17'30", 10.84 feet, to concrete monument No. 3;

352°35'00", 8.47 feet, to the point of beginning.

The tract as described contains an area of 0.001 acre.

TRACT NO. 6

Beginning at concrete monument No. 1, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,249.04 feet north and 8,123.40 feet west, thence by azimuth (measured clockwise from true south) and distances as follows:

232°59'00", 50.05 feet, along Land Court Application No. 1143 (amended), to concrete monument No. 2;

267°16'00", 100.50 feet, along the same, to concrete monument No. 3;

191°36'00", 44.30 feet, along the same, to concrete monument No. 4, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

300°04'50", 233.78 feet, along said right-of-way, to concrete monument No. 5;

47°34'00", 145.53 feet, along Kaupuni Stream, to concrete monument No. 6, from which the azimuth and distance to concrete monument No. 1 is 119°21'00", 279.53 feet;

47°34'00", 15.00 feet, more or less, along the same, to high water line;

Northwesterly, along said high water line, to the boundary of Land Court Application No. 1143 (amended);

232°59'00", 25.00 feet, more or less, along Land Court Application No. 1143 (amended), to the point of beginning.

The tract as described contains an area of 0.85 acre.

TRACT NO. 7

Beginning at concrete monument No. 1, marking the most southerly corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 1,206.84 feet north and 8,795.07 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

Northwesterly, along high water line, to the south corner of Lot F, Land Court Application No. 1102 (amended);

245°31'14", 114.00 feet, more or less, along said Lot F, to concrete monument No. 8;

245°31'14", 163.90 feet, along the same, to concrete monument No. 7, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

325°07'00", 648.60 feet, along said right-of-way, to concrete monument No. 6;

325°08'00", 385.74 feet, along the same, to concrete monument No. 5;

325°07'30", 433.97 feet, along the same, to concrete monument No. 4;

On a curve to the left, along the same, with a radius of 2,717.34 feet, 1,389.98 feet, along the curve, the chord of which bears 310°28'15", 1,274.89 feet, to concrete monument No. 3;

295°49'00", 701.90 feet, along the same, to concrete monument No. 2;

47°02'14", 507.28 feet, along Land Court Application No. 1143 (amended), to the point of beginning.

The tract as described contains an area of 26.60 acres.

TRACT NO. 8

Beginning at concrete monument No. 2, marking the east corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 4,105.52 feet north and 11,047.35 feet west, thence from said point of beginning by azimuths (measured clockwise from true south) and distances as follows:

56°53'00", 111.00 feet, (along Lot F, Land Court Application No. 1102 (amended), to concrete monument No. 1, from which the azimuth and distance to concrete monument No. 5 is 139°34'00", 180.40 feet;

56°53'00", 142.00 feet, more or less, to high water line;

Northerly, along said high water line, to the boundary of Lot E, Land Court Application No. 1102 (amended);

236°57'00", 38.00 feet, more or less, along said Lot E, to concrete monument No. 5;

236°57'00", 51.75 feet, along the same, to concrete monument No. 4;

236°52'00", 70.00 feet, along the same, to concrete monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

On a curve to the right, along said right-of-way, with a radius of 3,112.00 feet, 179.29 feet, along the curve, the chord of which bears 322°58'00", 179.25 feet, to the point of beginning.

The tract as described contains an area of 0.79 acre.

TRACT NO. 9

Beginning at concrete monument No. 2, marking the east corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 4,363.38 feet north and 11,252.30 feet west, thence by azimuths (measured clockwise from true south) and distances as follows:

56°55'00", 93.10 feet, along Lot E, Land Court Application No. 1102 (amended), to concrete monument No. 1, from which the azimuth and distance to concrete monument No. 4 is 131°45'00", 351.10 feet;

56°55'00", 53.00 feet, more or less, along the same, to high water line;

Northwesterly, along said high water line, to the boundary of Lot D, Land Court Application 1102 (amended);

240°57'00", 82.00 feet, more or less, along said Lot D, to concrete monument No. 4;

240°57'00", 113.95 feet, along the same, to concrete monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

On a curve to the right, along said right-of-way, with a radius of 2,746.30 feet, 338.69 feet, along the curve, the chord of which bears 314°45'00", 338.47 feet, to the point of beginning.

The tract as described contains an area of 1.38 acres.

TRACT NO. 10

Beginning at concrete monument No. 2, marking the most easterly corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation stations "Paheehew New", are 4,779.26 feet north and 11,716.20 feet west, thence by azimuths (measured clockwise from true south) and distances as follows:

71°57'00", 85.00 feet, along Lot D, Land Court Application 1102 (amended), to concrete monument No. 1, from which the azimuth and distance to concrete monument No. 7 is 121°12'00", 406.58 feet;

71°57'00", 114.00 feet, more or less, to the high water line;

Northwesterly, along said high water line, to the boundary of Lot C, Land Court Application No. 1102 (amended);

232°01'00", 49.00 feet, more or less, along said Lot C, to concrete monument No. 7;

232°01'00", 71.78 feet, along the same, to concrete monument No. 6;

136°01'00", 67.24 feet, along the same, to concrete monument No. 5, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

303°06'00", 82.55 feet, along said right-of-way to concrete monument No. 4;

303°07'10", 272.10 feet, along the same, to concrete monument No. 3;

On a curve to the right, along the same, with a radius of 3,048.70 feet, 147.21 feet, along the curve, the chord of which bears 304°20'00", 147.20 feet, to the point of beginning.

The tract as described contains an area of 1.69 acres.

TRACT NO. 11

Beginning at concrete monument No. 2, marking the east corner of this tract, the coordinates of which, referred to United States Coast and Geodetic Survey triangulation station "Paheehew New", are 5,105.97 feet north and 12,212.01 feet west, thence by azimuths (measured clockwise from true south) and distances as follows:

74°57'00", 122.78 feet, along Lot C, Land Court Application 1102 (amended), to concrete monument No. 1;

35°01'00", 5.90 feet, along the same, to concrete monument No. 5, from which the direct azimuth and distance to concrete monument No. 4 is 146°30'00", 73.36 feet;

35°01'00", 30.00 feet, more or less, along the same, to high water line;

Northwesterly, along said high water line, to the boundary of Lot B, Land Court Application 1052 (amended);

246°56'00", 66.00 feet, more or less, along said Lot B, to concrete monument No. 4;

246°56'00", 81.35 feet, along the same, to concrete monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

302°43'00", 104.10 feet, along said right-of-way, to the point of beginning.

The tract as described contains an area of 0.34 acre.

The entire reservation as described contains a net area of 197.74 acres, and is shown on drawing No. 11-1-10E38, entitled "U. S. Military Reservation Waianae-Kai," scale 1 inch equals 200 feet, dated May 10, 1938, and drawing No. 11-1-20D37, entitled "Proposed 60' Right-of-Way for Federal Aid Highway Thru Tract No. 1—Waianae-Kai Military Reservation," dated April 20, 1937, on file in the office of the Department Engineer, Hawaiian Department, Fort Shafter, Territory of Hawaii.

II. The land within the new Territorial Government road 60-foot right-of-way heretofore withdrawn and set aside for military purposes which was included within Tract No. 1 as described in the said Executive Order No. 7010 of April 10, 1935, but which is not included within either Parcel No. 1 or Parcel No. 2 of Tract No. 1 as herein described, is hereby

restored to its previous status for the use of the Territory of Hawaii.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 3, 1939.

[No. 8109]

[F. R. Doc. 39-1519; Filed, May 4, 1939;
11:37 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT FARM CREDIT ADMINISTRATION

[FCA 132]

LOST, STOLEN, DESTROYED, MUTILATED, OR
DEFACED BONDS AND COUPONS

APRIL 29, 1939.

1. Sec. 10.673 of title 6, Code of Federal Regulations, is amended to read as follows:

"§ 10.673 *Consolidated Federal farm loan bonds.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds. (Sec. 6, 47 Stat. 14; 12 U.S.C. 665) [Revision No. 59, Manual for Federal Land Banks, April 29, 1939]"

2. Sec. 10.674, paragraph (1), of title 6, Code of Federal Regulations, is amended to read as follows:

"§ 10.674 *Proof required from applicants.* (1) Consolidated Federal farm loan bonds. Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated Federal farm loan bonds, and the mutilation or defacement of coupons of such bonds, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

(Sec. 6, 47 Stat. 14; 12 U.S.C. 665)
[Revision No. 59, Manual for Federal Land Banks, April 29, 1939]"

[SEAL]

A. S. GOSS,
Land Bank Commissioner.

[F. R. Doc. 39-1522; Filed, May 4, 1939;
11:58 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZA- TION SERVICE

[4th Sup., General Order No. C-1¹]

PORT OF ENTRY FOR ALIENS, CONNECTICUT
LAKES, N. H.

MAY 3, 1939.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U.S.C. 102), Connecticut Lakes, N. H., is hereby designated as a port for the entry of aliens into the United States, effective June 1, 1939.

Sec. 1.31, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 1, of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Connecticut Lakes, N. H., between Van Buren, Maine, and Alexandria Bay, N. Y., in the list of ports of entry for aliens in District No. 1, effective June 1, 1939.

General Order C-3 dated July 7, 1938¹ (having been superseded by General Order C-9 dated March 21, 1939)² is hereby canceled.

[SEAL] JAMES L. HOUGHTELING,
Commissioner of Immigration
and Naturalization.

Approved,

FRANCES PERKINS,
Secretary.

[F. R. Doc. 39-1514; Filed, May 4, 1939;
10:21 a. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

[T. D. 4898]

PART 315—REGULATIONS RELATING TO THE
LICENSING UNDER THE FEDERAL FIREARMS
ACT OF MANUFACTURERS OF, AND DEALERS
IN, FIREARMS OR AMMUNITION*†

MAY 1, 1939.

To Collectors of Internal Revenue and
Others Concerned:

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¹ 3 F.R. 1657 DI.

² 4 F.R. 1292 DI.

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SUBPART A

Federal Firearms Act

§ 315.0 *Introductory.* The Federal Firearms Act, 52 Stat. 1250; 15 U.S.C., Sup. IV, 901-909, provides:

* * * That as used in this Act—

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this Act.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this Act.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

*Section 315.0 to section 315.14 issued under the authority contained in section 7 of the Federal Firearms Act, 52 Stat. 1252; 15 U.S.C., Sup. IV, 907, and follow the statutory provisions to which they, respectively, refer.

†The source of sections 315.0 to 315.14 is Treasury Decision 4898, approved May 1, 1939.

(8) The term "ammunition" shall include all pistol or revolver ammunition except .22-caliber rim-fire ammunition.

§ 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive¹ from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive¹ from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive¹ from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this Act.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this Act.

§ 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of \$25 per annum and, if a dealer, shall pay a fee of \$1 per annum.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this Act: *Provided*, That no license shall be issued to any applicant within two years after the revocation of a previous license.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this Act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of \$1,000, and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of the Treasury shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

§ 4. The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of the Treasury: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of the Treasury; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces: *Provided*, That nothing herein contained shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competitions.

§ 5. Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than five years, or both.

§ 6. This Act shall take effect thirty days after its enactment.

§ 7. The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

§ 8. Should any section or subsection of this Act be declared unconstitutional, the remaining portion of the Act shall remain in full force and effect.

§ 9. This Act may be cited as the Federal Firearms Act.

The following regulations are hereby prescribed under the Federal Firearms Act, relative to the licensing of manufac-

turers of, and dealers in, firearms or ammunition; to the records to be maintained by licensed manufacturers and dealers; and to transactions and dealings in firearms or ammunition specifically exempted from the provisions of the Act: *†

SUBPART B

Definitions

§ 315.1 *Definitions.* As used in these regulations—

(a) The term "Act" means the Federal Firearms Act.

(b) The term "firearm" means (1) any weapon, by whatever name known, which is designed to expel a projectile or projectiles by action of an explosive, (2) any part or parts of such weapon, and (3) a firearm muffler or firearm silencer.

(c) The term "ammunition" includes all ammunition for firearms, including cartridge cases, primers, bullets, and propellant powder, but does not include .22-caliber rim-fire ammunition.

(d) The term "interstate or foreign commerce" means—

(1) Commerce between any State, Territory, or possession of the United States (including the Philippine Islands, but not including the Canal Zone), or the District of Columbia, and any place outside thereof;

(2) Commerce between points within the same State, Territory, or possession of the United States (including the Philippine Islands, but not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or

(3) Commerce within any Territory, or possession of the United States (including the Canal Zone, but not including the Philippine Islands), or the District of Columbia.

(e) The term "person" includes an individual, partnership, association, or corporation.

(f) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition, for purposes of sale or distribution.

(g) The term "licensed manufacturer" means a manufacturer licensed under section 3 of the Act.

(h) The term "dealer" means any person engaged in the business of selling firearms or ammunition at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms.

(i) The term "licensed dealer" means a dealer licensed under section 3 of the Act.

(j) The term "license" means a license issued under authority of section 3 (b) of the Act.

(k) The term "license fee" means the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

(l) The term "Secretary" means the Secretary of the Treasury.

(m) The term "Commissioner" means the Commissioner of Internal Revenue.

¹ So in original.

(n) The term "collector" means collector of internal revenue.

(o) The terms "includes" and "including" when used in a definition or statement in these regulations shall not be deemed to exclude other things otherwise within the scope thereof.*†

SUBPART C

Licenses

§ 315.2 *Persons required to procure licenses.* Under section 2 (a) of the Act, it is unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the Act, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce. Therefore, every manufacturer or dealer within the meaning of the Act and these regulations (see section 315.1 (f) and (h)) must first procure a license under section 3 of the Act before he may, on or after July 30, 1938, lawfully transport, ship, or receive any firearms or ammunition in interstate or foreign commerce.

It is not necessary in any case for a person licensed as a manufacturer also to procure a license as a dealer. The license as manufacturer entitles the licensee, within the limitations of the Act, to transport, ship, or receive, in interstate or foreign commerce, firearms or ammunition, whether of his own production or produced by another. However, a person required to be licensed as a manufacturer does not comply with the provisions of the Act by procuring a license as dealer.

A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may, on or after July 30, 1938, lawfully transport, ship, or receive any firearm, including any part of a weapon (see section 315.1 (b)), or ammunition in interstate or foreign commerce.*†

§ 315.3 *Persons not entitled to a license.* A license shall not be issued to any person who is under indictment for, or has been convicted of, a "crime of violence" as defined in section 1 (6) of the Act, or who is a "fugitive from justice" as defined in section 1 (7) of the Act. Nor shall a license be issued to any applicant within two years after the revocation of a previous license.*†

§ 315.4 *Application for a license.* The application for a license shall be made on Form 7 (Firearms), copies of which may be procured from collectors. The application shall be filed with the collector for the district within which the principal place of business of the applicant is located. The application must be under oath and contain all the information required by the form.*†

§ 315.5 *License fees.* In the case of a manufacturer the license fee is \$25 per annum, and in the case of a dealer the license fee is \$1 per annum.*†

§ 315.6 *Issuance of license.* If an application on Form 7 (Firearms) has been filed with the collector, properly executed by a person lawfully entitled to a license and accompanied by the required license fee, there shall be issued to the applicant a license on Form 8 (Firearms).*

§ 315.7 *Scope and duration of license.* The license shall entitle the person to whom issued to transport, ship, or receive firearms or ammunition in interstate or foreign commerce for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the Act. (See section 315.9.)

A license shall not be issued in any case for a period of less than one year. No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. Nor shall any refund be made if the license is suspended or revoked because of violation by the licensee of any provision of the Act.

When a license has expired, or is about to expire, a new license, if desired, may be obtained by filing with the collector an application on Form 7 (Firearms), accompanied by the required license fee, provided the applicant is otherwise entitled to a license. (See section 315.3.)

The license under section 3 of the Act is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

The license applies to the operations of the licensee and not to any particular place at which business is carried on. Accordingly, only one license is required, regardless of the number of places at which the licensee operates. If the business is carried on at more than one location, the license shall be held available for inspection at the principal place of business and an appropriate record maintained at all other locations showing where the license is so held.

The license confers no right or privilege to conduct business contrary to State or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any other law affords no immunity under the Act. (See section 315.12.)*†

§ 315.8 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one district to another, prompt notification of the

new location of the business must be given to—

(1) the collector for the district where the license was issued;

(2) the collector for the district from which or within which the removal is made; and

(3) the collector for the district to which the removal is made.*†

§ 315.9 *Suspension and revocation of license.* Section 3 (c) of the Act provides in part that the license of any person convicted of violation of any provision of the Act shall be suspended until final disposition of the case, at which time, if the conviction has not been set aside, the license shall be revoked. Section 3 (c) further provides that a licensee convicted of violation of any provision of the Act may be permitted to continue in business during the pendency of an appeal from such conviction upon furnishing a bond of \$1,000 acceptable to the Secretary.

Upon receipt by the Secretary of notice of the conviction of a licensee of violation of any provision of the Act, the license of such person shall be immediately suspended in accordance with the provisions of section 3 (c) of the Act, and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

A person whose license is suspended on account of a conviction of violation of any provision of the Act and who desires permission to continue in business during the pendency of an appeal from such conviction shall file an application with the Commissioner for such permission. The application shall be under oath and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of \$1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the Act. As soon as possible after the receipt of the application and bond, the Commissioner shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

An application for permission to continue in business during the pendency of an appeal from a conviction of violation of any provision of the Act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license. (See section 315.3.)

In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until final action upon the appeal from the conviction, at which time the case

will be disposed of according to the outcome of the appeal. If the application for permission to continue in business is denied, or if no such application is made, the suspension of the license remains in effect throughout the pendency of the appeal and final action will then be taken in the case as may be required by the outcome of the appeal.

The granting of an application to continue in business during the pendency of an appeal from a conviction of violation of any provision of the Act does not extend the term of the license. If a license expires by lapse of time before the appeal is decided, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall stand in place of, and be subject to the same conditions as, the old license, that is, the new license shall be subject to revocation if the conviction is not set aside.

If upon appeal the conviction of a licensee of violation of any provision of the Act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the Act, and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

The forfeiture of a license for violation of any provision of the Act is a separate and distinct penalty in addition to any other penalties which may apply in the case, whether imposed under section 5 of the Act or under any other provision of law.

A person whose license has been revoked for violation of any provision of the Act may, if otherwise entitled to a license (see section 315.3), again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the collector in accordance with the provisions of section 315.4.*†

SUBPART D

Records

§ 315.10 *Records*—(a) *Manufacturers*. Each licensed manufacturer shall maintain complete and adequate records of all firearms and ammunition disposed of in the course of his business, including any firearms or ammunition acquired from other manufacturers or dealers. The records shall show and include:

- (1) the number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;
- (2) the types, and quantity of each type, of ammunition;
- (3) the name and address of each person from whom the firearms or am-

munition, if not the manufacturer's own product, was acquired, and the date of acquisition; and

(4) the disposition made of the firearms or ammunition, including the name and principal address of each transferee, the address to which delivered, and date of disposition.

(b) *Dealers*. Each licensed dealer shall maintain complete and adequate records of all firearms acquired or disposed of in the course of his business. The records shall show and include:

(1) the number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

(2) the name and address of each person from whom firearms are acquired, and the date of acquisition;

(3) the disposition made of the firearms, including the name and principal address of each transferee, the address to which delivered, and date of disposition.

(c) *General*. The records prescribed by this section shall be in permanent form and shall be retained for a period of not less than six years from the date of the transactions to which the records relate. Such records must be held available for inspection during business hours by any authorized officer or agent of the United States engaged in the performance of his duties under the Act.*†

SUBPART E

Exemptions

§ 315.11 *Exemptions*—(a) *General*. Under section 4 of the Act, the provisions of the Act do not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of—

(1) the United States or any department, independent establishment, or agency thereof;

(2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in subdivision (b) of this section; and

(5) any research laboratory designated under subdivision (c) of this section and granted exemption thereunder.

Section 4 of the Act further exempts from the provisions of the Act—

(6) the transportation, shipment, or receipt of any antique or unserviceable

firearms, or ammunition, possessed and held as curios or museum pieces; and

(7) shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

(b) *Bank, public carriers, express, or armored-truck company*. Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption under section 4 of the Act upon application to the collector for the district within which the principal place of business is located. Such application shall be submitted under oath and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the collector shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

(c) *Research laboratory*. A research laboratory desiring to procure an exemption under section 4 of the Act shall file an application with the Commissioner. The application shall be under oath and shall show (1) by whom and the purpose for which the laboratory was organized, (2) the source of the funds expended for the maintenance and operations of the laboratory, (3) the services performed by, and operations of, the laboratory, and (4) the purposes for which the exemption is requested. The Commissioner shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.*†

SUBPART F

Miscellaneous Provisions

§ 315.12 *Relation to other provisions of law*. The provisions of the Act and of these regulations are in addition to, and not in lieu of, any other provision of law, or regulations, respecting the manufacture or importation of, or dealing in, firearms or ammunition.*†

§ 315.13 *Penalties*. Section 5 of the Act provides certain penalties for violation of the provisions of the Act or these regulations, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the Act, see section 2 of the Act.*†

§ 315.14 *Effective date*. These regulations, with the exception of Subpart D which relates to records, shall take effect upon the date approved; Subpart

D shall take effect 30 days after the date of approval. Effective as of the date approved, these regulations supersede the provisions of Treasury Decision 4834, approved July 25, 1938.*†

[SEAL] JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1512; Filed, May 3, 1939;
12:01 p. m.]

TITLE 43—PUBLIC LANDS

DIVISION OF GRAZING

OREGON GRAZING DISTRICT No. 6

MODIFICATION

MARCH 28, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the Departmental order of November 7, 1935, establishing Oregon Grazing District No. 6, is hereby revoked as far as it affects the following-described land, such revocation to be effective upon the inclusion of the land within the Whitman National Forest:

OREGON

Williamette Meridian

T. 11 S., R. 38 E.,
sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

HARRY SLATTERY,

Acting Secretary of the Interior.

[F. R. Doc. 39-1517; Filed, May 4, 1939;
10:40 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5450]

IN THE MATTER OF AMENDMENT OF RULES
177 AND 177.1 ON PETITION OF MAYOR
LaGUARDIA OF THE CITY OF NEW YORK

NOTICE OF HEARING

To the Licensees and Permittees of All Existing Standard Broadcast Stations (All Broadcast Stations Licensed to Operate Upon the Channels 550 to 1,600 kc, Both Inclusive) and to All Applicants Who Have Pending Before the Commission Applications for Regular Broadcast Stations to Operate Upon Such Channels, to the Licensees and Permittees of All Existing International Broadcast Stations (All International Broadcast Stations Licensed to Operate Upon the Channels 6,000 to 26,600 kc, Inclusive) and to All Applicants Who Have Pending Before the Commission Applications for Regular Broadcast Stations to Operate Upon Such Channels and to Any Other Interested Parties:

You are hereby notified that the Commission has ordered a hearing on

* 3 FR. 1868 DI.

the above-entitled matter at its offices, Washington, D. C., on the 7th day of June, 1939, at the hour of 10 o'clock A. M.

Pursuant to said order, you are hereby notified that the Commission at said time and place will hear any licensee, permittee, applicant, or other interested party on the questions hereinafter set forth in order to determine whether or not Rules 177 and 177.1 should be modified so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

For the purposes of developing information upon the question of modification of the rule as aforesaid, the following issues shall be determined:

1. To determine whether the Commission should amend its Rule 177.1 so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

2. To determine whether the Commission should amend its Rule 177.1 (b) so as not to require authority from the Commission to rebroadcast the programs of high frequency broadcast stations by regular broadcast stations whose licensees are the same as those set forth in paragraph 1 hereof.

3. To determine the basis for the distinction between the types of licensees mentioned in paragraph 1 hereof and other broadcast licensees for the purposes therein set forth.

4. To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience.

5. To determine whether the amendment of these rules in the particulars mentioned in paragraphs 1 and 2 hereof is consistent with the purposes of international broadcast stations, as set forth in Rules 1010, 1011, and 1012 (c).

6. To determine whether, in view of the long distance characteristics of international stations, and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations.

7. To determine whether in view of the limited number of frequencies available throughout the world for international stations and the relatively large number of frequencies now used for regular broadcast stations in the United States, and in view further of the position taken by the Government of the United States of America at all inter-

national conferences that international broadcast stations should be used exclusively for international transmissions of programs, the amendment of Rule 177.1, as set forth in paragraph 1 hereof, should be made.

8. To determine whether the amendment of the rules in the particulars mentioned in paragraphs 1 and 2 hereof would be consistent with international agreements or treaties to which the United States is a party. (Article 7, Paragraph 19, of the Additional Radio Regulations, Annex 2, of the International Telecommunications Convention, Madrid, 1932; Article 7, Paragraph 22, of the General Regulations, Annex 2, of the International Radio Convention, Cairo, 1938; and Section 2, Table IV, of the Inter-American Arrangement Concerning Radio Communications, Havana, 1938.)

9. To determine whether the Commission should change its basic policy of not authorizing the use of radio facilities where other facilities are available to render the same service.

10. To determine to what extent a sufficient signal can be delivered by international broadcast stations throughout the United States to permit a satisfactory rebroadcast service.

11. To determine whether the modification of the rules as set forth in paragraphs 1 and 2 hereof would serve public interest, convenience and necessity.

These issues shall not, however, be considered exclusive of, nor preclude, the presentation of any other material evidence which any party may desire to present.

Each licensee, permittee, applicant, or other party desiring to be heard shall, within fifteen days of the mailing of this notice by the Secretary of the Commission, file with the Commission notice of its intention to be present and participate in said hearing.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-1523; Filed, May 4, 1939;
12:28 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5536]

IN THE MATTERS OF ORANGE AND ROCKLAND
ELECTRIC COMPANY OF NEW JERSEY AND
ROCKLAND ELECTRIC COMPANY

[Docket No. IT-5542]

ROCKLAND LIGHT AND POWER COMPANY
ORDER CONSOLIDATING PROCEEDINGS AND
FIXING DATE OF HEARING

MAY 2, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon application filed December 16, 1938, pursuant to Sec. 203 of the Fed-

eral Power Act, by Orange and Rockland Electric Company of New Jersey and Rockland Electric Company, both being New Jersey corporations, for an order authorizing the disposition by Orange and Rockland Electric Company of New Jersey of facilities subject to the jurisdiction of this Commission to Rockland Electric Company; and

Upon application filed February 21, 1939, pursuant to Sec. 203 of the Federal Power Act, by Rockland Light and Power Company, a New York corporation, for an order authorizing the purchase by said company of 3,000 shares of the capital stock of the Rockland Electric Company of a total par value of \$300,000;

It appearing to the Commission that:

(a) The \$300,000 par value of capital stock of Rockland Electric Company, aforesaid, is to be issued to finance the purchase by that company of the facilities of the Orange and Rockland Electric Company of New Jersey aforesaid;

(b) The Board of Public Utility Commissioners of the State of New Jersey has heretofore requested a joint hearing with the Commission with respect to both of the aforesaid applications;

(c) By order entered February 23, 1939, this Commission granted Jersey Central Power and Light Company leave to intervene in the proceedings with respect to the application of Orange and Rockland Electric Company of New Jersey which was filed on December 16, 1938 (Docket No. IT-5536);

The Commission orders that:

(A) Dockets Nos. IT-5536 and IT-5542 be and they are hereby consolidated for purposes of hearing thereon;

(B) A public hearing in these proceedings be held commencing on May 22, 1939, at 10 o'clock a. m., in the hearing room of the Commission, 1757 K Street NW., Washington, D. C.;

(C) The Board of Public Utility Commissioners of the State of New Jersey and the Utility Commission of any other interested state, may sit jointly with the Commission or its designated representative at said hearing.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-1516; Filed, May 4, 1939;
10:40 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3591]

IN THE MATTER OF PINE HILL LIME & STONE CO., SOUTHERN STATES LIME CORP., GAGER LIME MANUFACTURING CO., KNOXVILLE LIME MANUFACTURING CO., LONGVIEW-SAGINAW LIME WORKS, INC., CHENEY LIME & CEMENT CO., LADD LIME & STONE CO., VIRGINIA LIME PRODUCTS CO., INC., KIMBALTON LIME CO., INC., EAGLE ROCK LIME CO., WILLIAMS LIME MANUFACTURING CO., FLORIDA LIME CO., DIXIE LIME PRODUCTS CO., KEYSTONE LIME WORKS, INC., GREEN BAG CEMENT CO. OF WEST VIRGINIA, M. J. GROVE LIME CO., RIPLEMEAD LIME CO., INC., RIVERTON LIME & STONE CO., JESSE ALLEN LIME CO., CORPORATIONS, GEORGE L. SCOTT, SR., AN INDIVIDUAL, TRADING AS ALABASTER LIME CO., AND HAL S. COVERT

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 8, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 820, Post Office Building, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1513; Filed, May 3, 1939;
2:07 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 340]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the

sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Alabama R9028A1 Chambers.....	\$325,000
Delaware R9002C1 Sussex.....	159,000
Illinois R9026D1 Iroquois.....	200,000
Iowa R9019B1 Adams.....	94,500
Kentucky R9046B1 Harrison.....	183,000
Mississippi R9034B1 Leflore.....	258,000
Missouri R9047A1 Cooper.....	342,000
North Carolina R9041A1 Greenville Municipality.....	88,000
Ohio R9086B2 Guernsey.....	30,000
South Carolina R9009H1 State Authority.....	327,000
South Carolina R9009K1 State Authority.....	271,000
Tennessee R9009D1 Macon.....	163,000
Texas R9030D1 Upshur.....	133,000
Texas R9085A1 Wise.....	134,000
Texas R9101A1 Parker.....	136,000
Wisconsin R9049D1 Dunn.....	241,000
Wyoming R9010A3 Platte.....	12,000
Wyoming R9014A1 Laramie.....	234,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 39-1515; Filed, May 4, 1939;
10:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of May, A. D. 1939.

[File No. 30-93]

IN THE MATTER OF WILLIAM C. A. HENRY, TRUSTEE FOR THE UNITED TELEPHONE AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on May 22, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered That, Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's

Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is request-

ed that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 17, 1939.

The matter concerned herewith is in regard to the request of the applicant for an order pursuant to Section 5 (d)

of the Act declaring that such applicant has ceased to be a holding company as defined in Section 2 (a) (7) of the Act. By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1518; Filed, May 4, 1939;
11:07 a. m.]

